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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

TOMMY COLE,

Defendant and Appellant.

B303571

(Los Angeles County
Super. Ct. No. BA041938)

APPEAL from an order of the Superior Court of Los Angeles County, Craig Richman, Judge. Affirmed.

Marta I. Stanton, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 1991, Tommy Cole was arrested by the Los Angeles Police Department (LAPD) for possession of a firearm by a felon. (Pen. Code, § 12021, subd. (a).) The LAPD set the accusation aside on February 24, 1992.

On May 1, 2000, the superior court denied Cole's petition to have his conviction expunged on the ground that he had not been convicted.

On September 5 and 27, 2019, Cole petitioned the LAPD and superior court, respectively, to seal and destroy the arrest record pertaining to his 1991 arrest. (Pen. Code, § 851.8 [arrest record may be expunged upon a showing of factual innocence].) The court found he was ineligible for relief and denied the petition.

Cole appealed the order denying his petition.

We appointed counsel to represent Cole on appeal. After examination of the record, appointed counsel filed an opening brief raising no issues and asking this court to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436, 441-442.) On May 29, 2020, we sent letters to Cole and appointed counsel, directing counsel to immediately forward the appellate record to Cole and advising him that within 30 days he could personally submit any contentions or issues that he wished us to consider. He has not responded. We have examined the entire record and find no arguable issue exists, and are therefore satisfied Cole's attorney complied with her responsibilities. (*Id.* at p. 441.)

DISPOSITION

The order is affirmed.

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CHANEY, J.

We concur:

BENDIX, Acting P. J.

SINANIAN, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.